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1904

Historical Sketch
of
“LOUISIANA”
And the
LOUISIANA PURCHASE

With illustrative Maps
reproduced from the Exhibit
of the

GENERAL LAND OFFICE
DEPARTMENT OF THE INTERIOR
Louisiana Purchase Exposition

St Louis.
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LOUISIANA PURCHASE PROGRESS MAPS

OF THE UNITED STATES.

A series of five maps of the United States showing the original Louisiana and the changes in its boundary during the one hundred and thirty-seven years between 1682, the date of La Salle's discovery, and 1819, the date of the purchase of Florida, form an interesting part of the exhibit of the General Land Office at the Louisiana Purchase Exposition. Differences of opinion have prevailed as to the extent of Louisiana as purchased from France. It is believed that these are due, *first*, to a misconception of the scope of La Salle's discovery and proclamation, and, *second*, to a misunderstanding of the real significance of the political acts of the United States, between 1803 and 1819, affecting that part of La Salle's Louisiana which extended along the Gulf coast east of the Mississippi river. It is submitted, as to the former, that the "Louisiana Purchase" of 1803 did not include territory beyond the limits of the original Louisiana, and as to the latter, that all Spanish doubts as to ownership were resolved and permanently settled by the political acts of the United States following the purchase from France, but antedating the purchase of Florida from Spain. It is believed, also, that a true picture of the extent and location of La Salle's Louisiana is shown upon Map No. 1. This picture greatly assists one to understand the phrase "the whole of Louisiana" which was used in subsequent treaties of cession.

In the brief discussion of each map which follows, no effort has been made to harmonize the conflicting views held and heretofore published by numerous writers upon the subject of Louisiana or the "Louisiana Purchase." These views are as diverse as their authorship is numerous. This is not surprising, when it is understood that the common effort has been aimed at solving the questions of territorial limits of Louisiana, as this province passed from one State to another, without first attempting to fix the *original* limits of the territory thus transferred. To this fact, probably, more than any other, may the failure to reach a common conclusion be attributed.

MAP No. 1.

The greater shaded area shown upon this map is based upon the discoveries and proclamation of La Salle, made at the mouth of the Mississippi river April 9, 1682. This proclamation was made in the presence of the entire party, under arms, who chanted the Te Deum, the Exaudi, the Domine salvum fac Regem, and, after a salute of firearms and cries of "Vive le Roi," La Salle erected a column, and while standing near it said, in a loud voice:

"In the name of the most high, mighty, invincible, and victorious Prince, Louis the Great, by the Grace of God King of France and of Navarre, Fourteenth of that name, this ninth day of April, one thousand six hundred and eighty-two, I, in virtue of the commission of his Majesty which I hold in my hand, and which may be seen by all whom it may concern, have taken, and do now take, in the name of his Majesty and of his successors to the crown, possession of this country of Louisiana, the seas, harbors, ports, bays, adjacent straits, and all the nations, people, provinces, cities, towns, villages, mines, minerals, fisheries, streams, and rivers, comprised in the extent of said Louisiana, from the mouth of the great river St. Louis, on the eastern side, otherwise called Ohio, Aligin, Sipore, or Chukagona, and this with the consent of the Chaonanons, Chickachas, and other people dwelling therein, with whom we have made alliance; *as also along the river Colbert, or Mississippi, and rivers which discharge themselves therein, from its source, beyond the country of the Kiou or Nadoucessions, and this with their consent, and with the consent of the Motantes, Illinois, Mesiganeas, Natches, Koroas, which are the most considerable nations dwelling therein, with whom also we have made alliance, either by ourselves or by others in our behalf, as far as its mouth by the sea, or Gulf of Mexico, about the 27th degree of the elevation of the North Pole, and also to the*

mouth of the river of Palms; upon the assurance which we have received from all these nations that we are the first Europeans who have descended or ascended the said river Colbert; hereby protesting against all who may in future undertake to invade any or all of these countries, people, or lands, above described, to the prejudice of the rights of his Majesty, acquired by the consent of the nations herein named. Of which, and all that can be needed, I hereby take to witness those who hear me, and demand an act of the Notary, as required by law." *

Title to French territory in the Mississippi valley and along the Gulf of Mexico was based upon this voyage and proclamation of La Salle. These acts of La Salle were, in fact, at the foundation of French ownership, and have been so considered by all nations since 1682. The Louisiana thus claimed embraced two areas of contiguous territory; first, the territory drained by the Mississippi river with all of its tributaries, and, second, the territory between the Mississippi river and the river Palms. The wording of the proclamation is simple and direct, and its meaning seems incapable of distortion or of being misunderstood. It appears evident that La Salle had no information of territory beyond the sources of the Mississippi river and its tributaries to the west, or, if he knew of such territory, he purposely excluded any claim to it for France. The western boundary of the original Louisiana is therefore traced along the summit of the watershed which defines the drainage basin of the Mississippi in that region, viz: around the headwaters both of the Red River and the Arkansas with their tributaries, and the Missouri river with all of its great tributaries from the west and southwest, to the present northern United States boundary.

In the effort made to locate the western boundary of La Salle's Louisiana, many untenable claims have been put forth by geographers. In one of those claims, the province was carried far beyond the drainage basin of the Mississippi river: in fact, across the Rocky mountains to the Pacific coast in the northwest. In another, it is assumed that because France at one time claimed the Gulf coast to St. Bernard (now Matagorda) bay, by reason of La Salle's later discoveries, this territory should be added to the original Louisiana. A third, while rejecting the Pacific coast extension, selected the Rio Grande river as the southwestern boundary, but, lacking in courage of conviction, published maps restricting the limits on the west by the Spanish-American compromise line of 1819. The great majority of geographers now reject the Pacific coast extension, but there remains a disposition to include the Rio Grande country. A careful study of available historical data reveals claims of France at one time extending only to the divide between the Colorado river and the Rio Grande: at another time to the Rio Grande itself and with spiritual jurisdiction to the Pacific coast. In the negotiations with France for the purchase of Louisiana, Napoleon, his Minister, Talleyrand, and negotiator Marbois, admitted great obscurity as to boundaries, and declared their inability to throw any light upon the subject. The negotiations incident to the treaty of 1819, and the maps showing the claims of the United States and Spain at the time, seem to show that, for diplomatic reasons probably, the United States claimed the territory to the Rio Grande river. Spain declared this claim preposterous, and fixed the equally absurd ninety-third degree of longitude as her eastern, and our western, limit. While the compromise line was not agreed to as fixing the western limits of the Louisiana purchase from France by the United States, but rather as definitely establishing a boundary between Spanish and American territory west of the Mississippi river, it is perhaps significant that in its beginning east of the Texas territory in question, and in its course northwesterly to the 42nd parallel, this boundary approximated the location of the true Louisiana boundary of La Salle. It is believed the claim for the Rio Grande river limit is untenable, for the several reasons that the southern Texas country was a later discovery and the reasons offered for its union with Louisiana are unconvincing and insufficient: its area was indefinite and its boundaries unknown: it was never made a part of La Salle's Louisiana: doubt as to American title was strong enough to insure a ready acceptance of the contention of Spain as to her ownership of this portion of the Gulf coast in 1819, and this acceptance was in marked contrast to the vigorous policy pursued in the Perdido river boundary contention, where American ownership by virtue of the "Purchase" was declared and maintained by the Government of the United States. On the other hand, there is room for but one interpretation of the limits of "Louisiana" as proclaimed by La Salle. It is the line defining the drainage basin of the Mississippi river on the west, and this line is therefore adopted as the "Louisiana Purchase" boundary through the present State of Texas. No available fact warrants the acceptance of the Spanish-American boundary of 1819, established sixteen years after the purchase of Louisiana, as the boundary of this territory.

It has been held that the province of Louisiana as proclaimed by La Salle should be enlarged on the north by the addition of the territory south of the forty-ninth parallel and west of the headwaters of the Mississippi river: that is to say, by the drainage basin of the Red River of the North. It is certain that this territory was

not in La Salle's Louisiana, and it is even doubtful that it ever really belonged to France. It is universally conceded that the powers signatory to the treaty of Utrecht in 1713, in the belief that the headwaters of the Mississippi River were north of the forty-ninth parallel, intended to confirm France in the possession, not of territory beyond the Mississippi drainage, but of Mississippi valley territory which was proclaimed "Louisiana" by La Salle thirty-one years before. But French ownership, even if conceded, by virtue of the treaty of Utrecht, would be unimportant, for such concession would, in no degree, support the contention that the Red River basin formed a part of Louisiana. All of the French territory to the north of La Salle's Louisiana, of whatever extent east or west of the Great Lakes, was transferred to Great Britain in 1763, and no French claim to any part of it has appeared since that time.

The origin of American title to the district north and west of the headwaters of the Mississippi river and south of the forty-ninth parallel may be found in the treaties between the United States and Great Britain of 1783 and 1817, the former defining territorial limits at the close of the Revolutionary war, and the latter fixing the forty-ninth parallel as the north boundary of the United States between the Lake of the Woods and the Rocky Mountains. France, having parted with the district affected by these treaties long prior to their negotiation by the powers interested, was wholly indifferent to the transfers of the territory made thereby. The drainage basin of the Red River of the North is therefore excluded from the territory of Louisiana purchased from France in 1803.

Referring to the extension of the south boundary of the original Louisiana territory, as shown on the map, appeal is again had to the proclamation of La Salle, who said: "and also to the mouth of the River Palms." This river was located with some difficulty. The first mention of it was found in a large volume belonging to the records of the Divisions of Private Lands, etc., General Land Office, entitled: "A Complete Historical, Chronological, and Geographical American Atlas, etc., published by Carey and Lea, Philadelphia, 1822." In the historical data descriptive of Florida, was found the record of a grant in 1526, to Pamphilo de Narvaez from Charles the Fifth, "of all the lands from Cape Florida to the river Palmos, in the Gulf of Mexico." This river appears upon the map of Florida in the atlas, but it is not named. Cape Florida is shown upon all modern maps, as well as ancient publications, but appeal to maps published early in the last century was necessary to locate Palm river. It emptied into Palm sound; now called Sarasota bay, and the southern extremity of Palm island, which was also shown on the ancient maps, is opposite the mouth of the river. This island is now called Sarasota key. This grant of land by Spain, one hundred and fifty-six years before La Salle's voyage down the Mississippi, was peculiar in that its limits were defined in specific terms. It is here noted merely as offering a reasonable suggestion for the action of La Salle, in choosing Palm river as the eastern limit of Louisiana on the Gulf coast. The fact of his choice is unquestioned.

Commercial rights over this original Louisiana, as far as the Illinois, for a period of ten years, were granted by Louis XIV. to Antoine de Crozat, September 14, 1712, and the territory itself was ceded to Spain by treaty of November 3, 1762: the language of the treaty being, "the whole country known under the name of Louisiana, together with New Orleans, and the island on which that city stands." This was the first transfer relating to the territory of Louisiana.

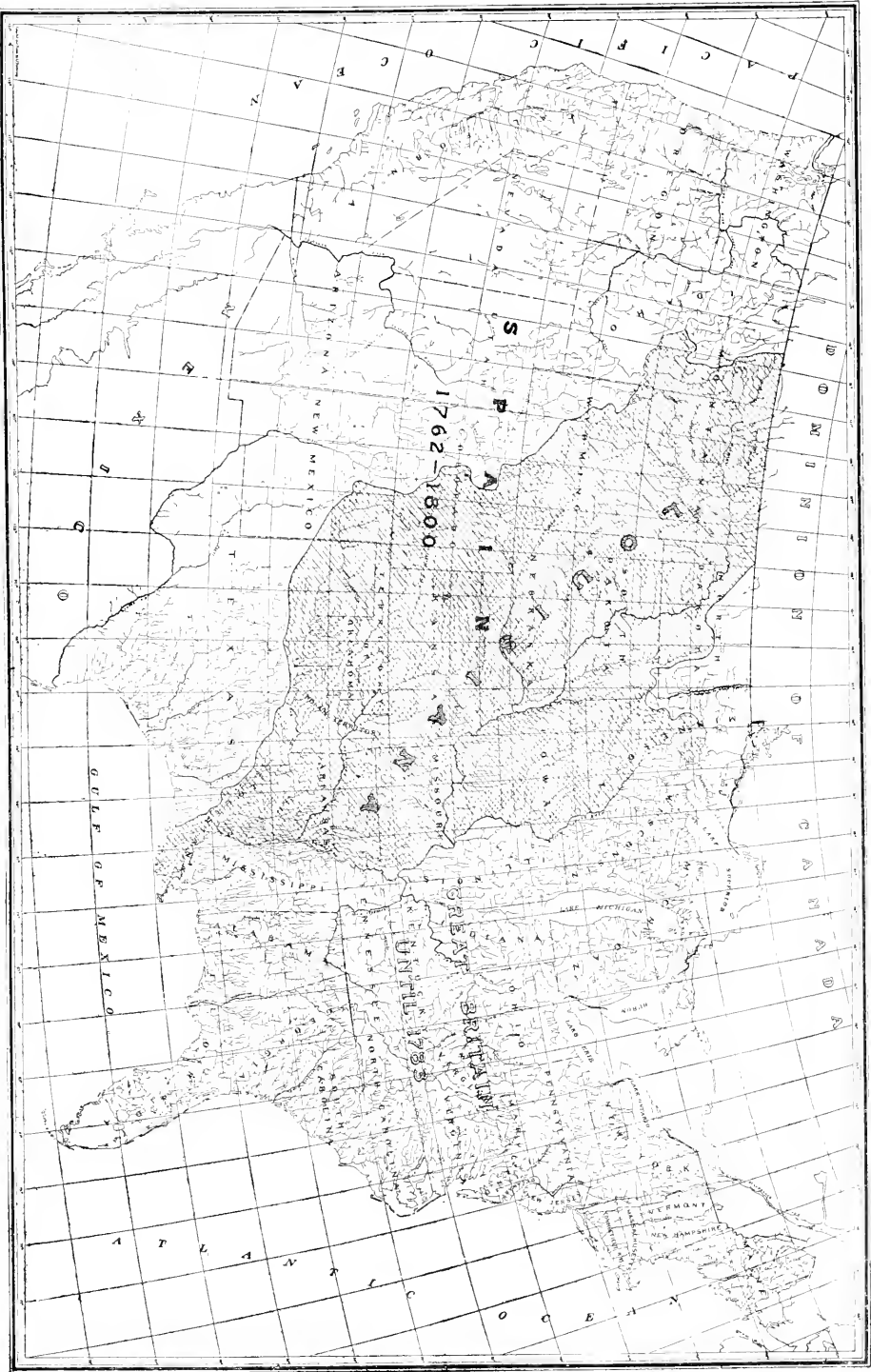
* This translation of La Salle's proclamation is taken from Sparks's "Life of La Salle," published at Boston, Mass., 1814. Francis Parkman's translation of the proclamation, in his "Discovery of the Great West," 1869, (Boston—Little, Brown & Co.) agrees with the above, except that he omitted the names of the treaty tribes, but refers to such omissions in a foot note, pp. 282, 283, and says, "a copy of the original of the *Proces Verbal* (the proclamation) is before me. It bears the name of Jacques de la Metairie, notary of Frontenac, who was one of the party." Translations, in whole or in part, of the proclamation of La Salle, by numerous other authors have been examined by the writer, but in no essential particular did any of these translations differ from those of Sparks or Parkman quoted or referred to above.

MAP No. 2.

The great but partially temporary shrinkage in area of the territory of Louisiana, as shown by this map, was caused, not by any changes in description of the territory ceded to Spain by treaty of November 3, 1762, but by the failure of France to deliver to Spain all of the territory described in that treaty, and was also due to the cession to Great Britain, by Spain in 1763, of all of her territory, undescribed as to boundaries, south of lat. 31° and east of the Mississippi river.

Four months after the cession by France to Spain of "the whole territory known under the name of Louisiana," the representatives of France and Spain, and of Great

MAP No. 2. 1762-1800. Louisiana, showing boundaries of territory delivered by France to Spain under treaty of November 3, 1762.



Britain and Portugal, met at Paris and entered into a treaty apparently intended to fix more definitely the boundaries of their respective possessions in North America. The attitude of Spain during these negotiations was inexplicable. At this time she was one of the greatest of the powers, and it would be idle to assume that her diplomats were unaware of the claim of France during the previous eighty years, to that part of Louisiana which lay east of the Mississippi river, especially when the commercial grant of Louis XIV. to Crozat with its transfer to the Mississippi Company, 28 and 32 years before, not only definitely specified this territory, but also had become a matter of wide-spread knowledge, through the tremendous financial crisis and panic which followed the operations of the later grantee. It can only be assumed that Spanish reasons of State, or the exigencies of diplomacy, permitted France to cede to Great Britain the territory east of the Mississippi and north of lat. 31° which four months before she had plainly ceded to Spain. By this same treaty, of February 10, 1763, Spain, also, ceded to Great Britain all of her territory east of the Mississippi river and south of lat. 31° , so that when the actual delivery of Louisiana, by France to Spain, occurred on April 21, 1764, the territorial boundaries were as shown on this map. Spain's title to all of the territory south of lat. 31° at this time was undoubtedly good: for to her undisputed title to that part of Florida which was obtained through discovery and colonization, was added the strip of original Louisiana territory between the Mississippi river and the river Palms, obtained by the treaty of November 3, 1762. This tract is left unshaded upon the map, the same as the northern portions of the alienated Louisiana territory.

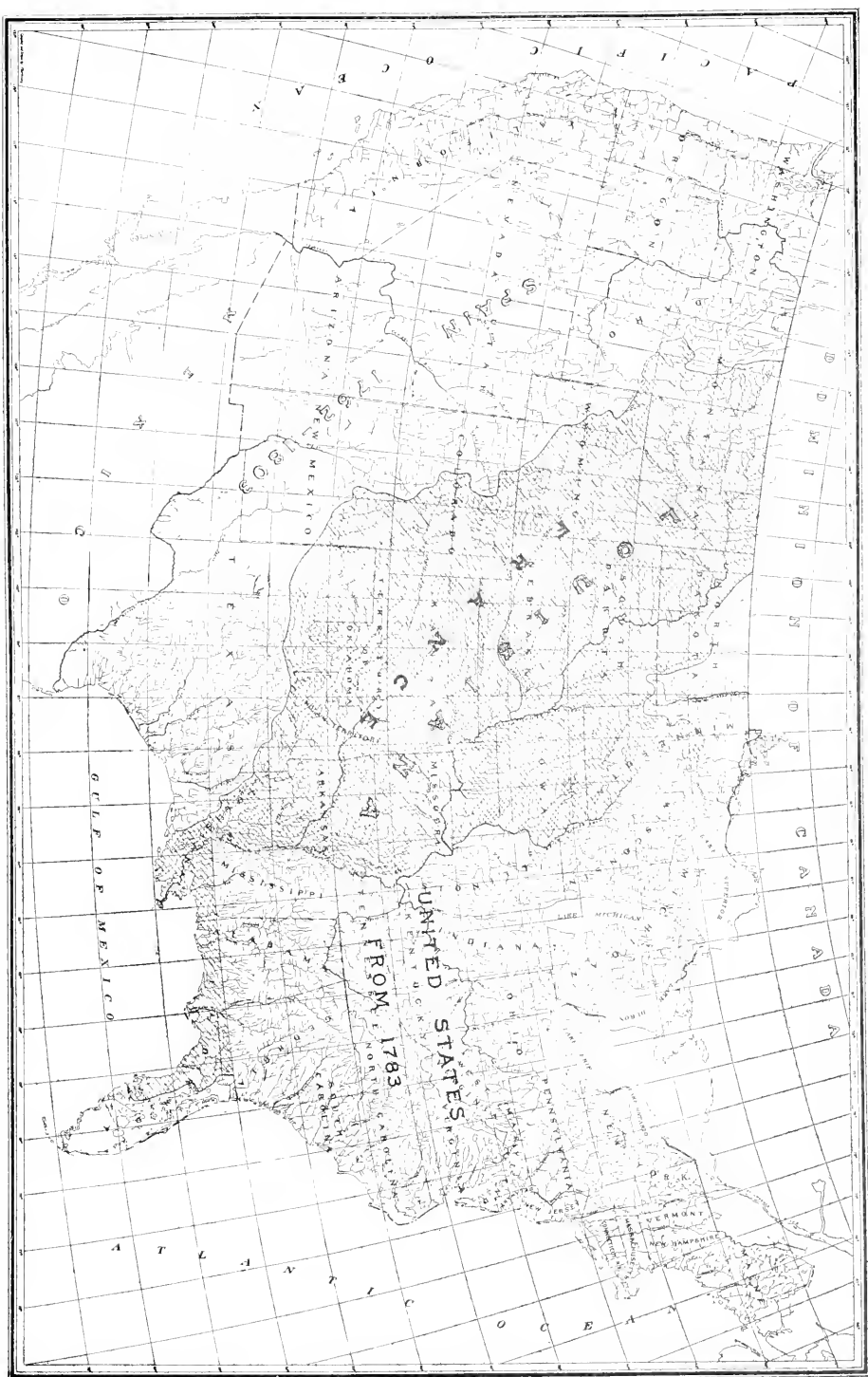
MAP No. 3.

As indicated upon this map, the boundaries of the territory of Louisiana west of the Mississippi river suffered no changes between April 21, 1764, the date of delivery to Spain, and 1800, when the retrocession from Spain to France, by the secret treaty of San Ildefonso, occurred. Attention is directed to the shaded area of the map over that part of the original Louisiana, as proclaimed by La Salle, which lies south of lat. 31° and east of the Mississippi river. Twenty years after the treaty of Paris, of February 10, 1763, in the settlement of boundaries at the close of the Revolutionary War, the United States took over from Great Britain all that part of the original Louisiana ceded to the latter by France in 1763, viz., the territory of Louisiana east of the Mississippi river and north of lat. 31° N. At this time also, September 3, 1783, owing to Spanish claims and aggression, Great Britain ceded back to Spain, without boundary delimitations, the territory south of lat. 31° and east of the Mississippi river which the former had received, also without boundary delimitations, through the definitive treaty of 1763. It should be remembered here that that part of this territory shaded in agreement with the rest of the area called "Louisiana" formed a part of the original territory of Louisiana proclaimed by La Salle, and ceded by treaty stipulation to Spain in 1762.

The government and people of the United States who, in 1783, came into possession of that part of the original Louisiana ceded by France to Great Britain, had no reason to question the validity of the cession of 1763 by France, since Spain had endorsed it and approved it. James Madison, Secretary of State, in a letter to Robert Livingston, Minister to France, of date March 31, 1803 (see Vol. 2 of American State Papers, Foreign Relations, p. 577), says of this cession: "Spain might not unfairly be considered as ceding back to France what France had ceded to her; inasmuch as the cession of it to Great Britain was made for the benefit of Spain, to whom, on that account, Cuba was restored. The effect was precisely the same as if France had, in form, made the cession to Spain, and Spain had assigned it over to Great Britain; and the cession may the more aptly be considered as passing through Spain, as Spain herself was a party to the treaty by which it was conveyed to Great Britain." Spain obtained title from France to "the whole of Louisiana in 1762, and was therefore in position to cede the Gulf coast to Great Britain in 1763. There was nothing peculiar in the retrocession of this tract by Great Britain to Spain in 1783; nothing apparent to justify the contention of Spain, following the retrocession to France in 1800 of "the colony or province of Louisiana with the same extent it now has in the hands of Spain, and that it had when France possessed it," that this territory belonged to and formed a part of her original possessions in Florida.

By secret treaty, known as the "Treaty of San Ildefonso," of October 1, 1800, Spain retroceded to France "the colony or province of Louisiana with the same extent it now has in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaty subsequently entered into between Spain and the other States." By this treaty France again came into possession, so far as Spanish interests were concerned, of the original territory of Louisiana; but the

MAP No. 3. 1800-1803. Province of Louisiana retroceded by Spain to France, by treaty of San Ildefonso of October 1, 1800.



same was, of course, shorn of the large area east of the Mississippi river and north of lat. 31° , which, for seventeen years past, had been a part of the United States. This retroceded Louisiana undoubtedly embraced that portion of the original territory which lies south of lat. 31° and east of the Mississippi river, whatever may have been its extent. The wording of the treaty of San Ildefonso precludes any other view than that of retrocession, and the United States so held and understood it, as shown by acts of sovereignty hereinafter noted.

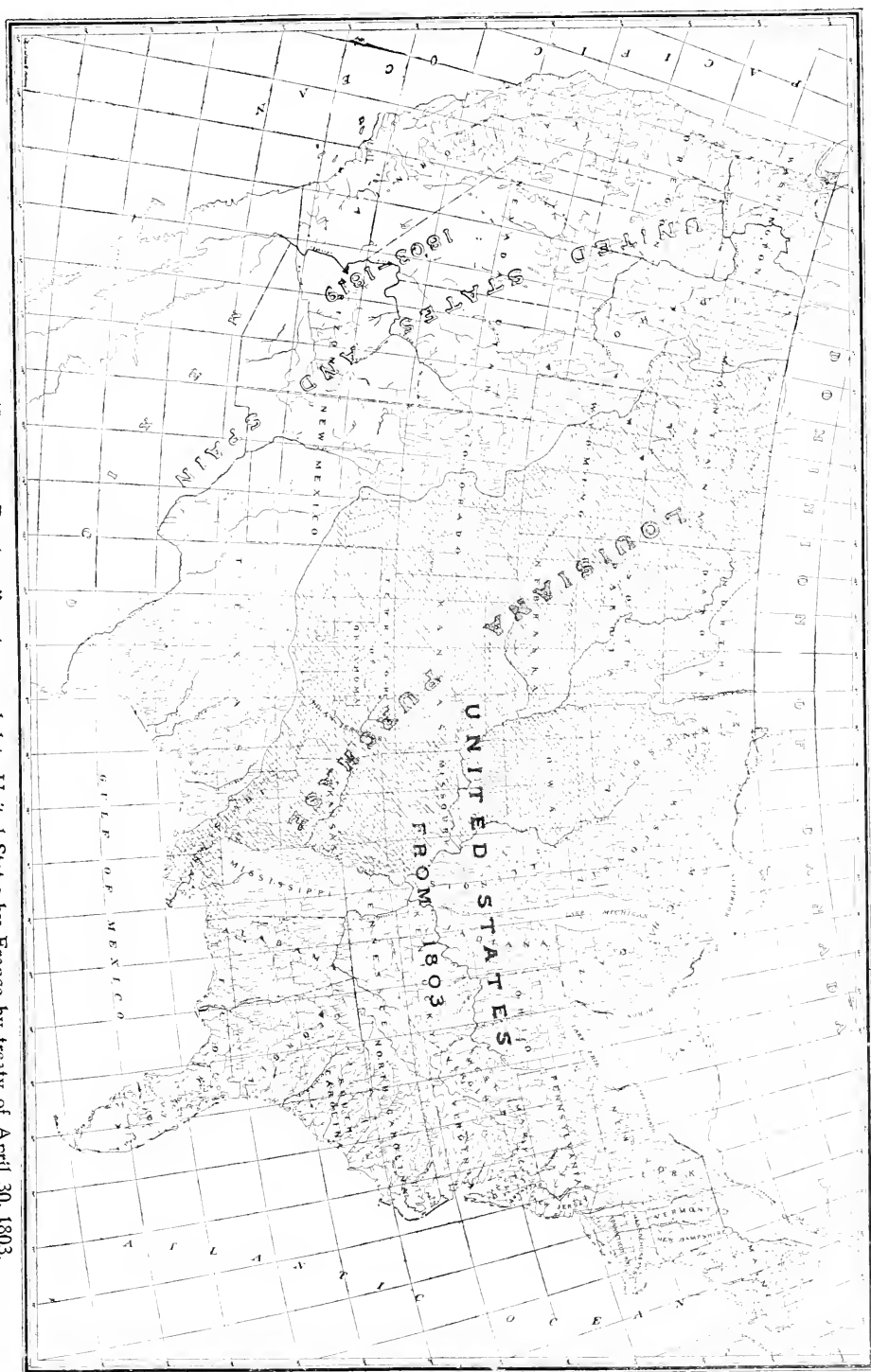
MAP No. 4.

This map shows the area of the territory of Louisiana as purchased from France in 1803. It will be noted that no change in the boundary of that part west of Mississippi river has occurred since 1762, but that the area of the tract along the Gulf coast, east of the river, is materially reduced.

April 30, 1803, France ceded to the United States the territory of Louisiana, "with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other States," using the identical language employed in the cession to France by Spain in 1800, but adding: "The French Republic has an incontestable title to the domain and to the possession of said territory." The confinement of American claims, under the treaty of 1803, to the area west of the Perdido river, was doubtless due to the fact of early Spanish settlement at Pensacola bay and at Fort St. Marks on the Appalachian river, and to the common misunderstanding of the real rights of the United States to all of the territory south of lat. 31° which formed a part of the original Louisiana proclaimed by La Salle. The first settlements in this territory were made by French colonists in 1699, but seventeen years after La Salle's proclamation, and there can be no shadow of doubt that these settlements were made for the purpose of occupying and exploiting the vast domain added to France, under the name "Louisiana," through the courage and energy of the great explorer. The real meaning and significance of La Salle's claim to the eastern Gulf coast as far as Palm river seems to have been overlooked, but this cannot be said of that portion between the Perdido river and the Mississippi river. While Spanish diplomacy was undoubtedly aimed at retaining this territory at the time of the retrocession to France, in 1800, notwithstanding the unequivocal wording of the treaty of San Ildefonso to the contrary, the government of the United States refused to accept any such boundary delimitation in 1803.

February 24, 1804, Congress passed an act for laying and collecting duties in this territory, and on March 26 the district was added to the new Territory of Orleans. In October, 1810, the President, by proclamation, directed the Governor of Orleans Territory to take possession of the territory. April 14, 1812, a part of these lands was annexed to the State of Louisiana, and one month later the remainder, lying between the Pearl and Perdido rivers, was annexed to the Territory of Mississippi. March 3, 1817, Congress divided this tract, giving approximately half of it to the State of Alabama. Both Mississippi and Alabama came into the Union before the treaty with Spain, for Florida, in 1819, the former the year before the treaty was negotiated, and the latter the same year, but two years before the treaty was finally ratified. During this period, also, the United States made a census of the population of the district. These citations are offered for the purpose of showing that this government, in its sovereign capacity, and through both its law-making and executive branches, had settled and finally disposed of all questions of ownership of the territory between the Mississippi and Perdido rivers and south of lat. 31° , which were raised by Spain after the purchase from France in 1803, and prior to the Florida treaty of 1819. The fact that the United States Supreme Court, in many cases, has supported the political acts of the government relating to this territory, is of passing interest; these decisions, however, can have no direct bearing upon questions of title affecting the territory in the aggregate.

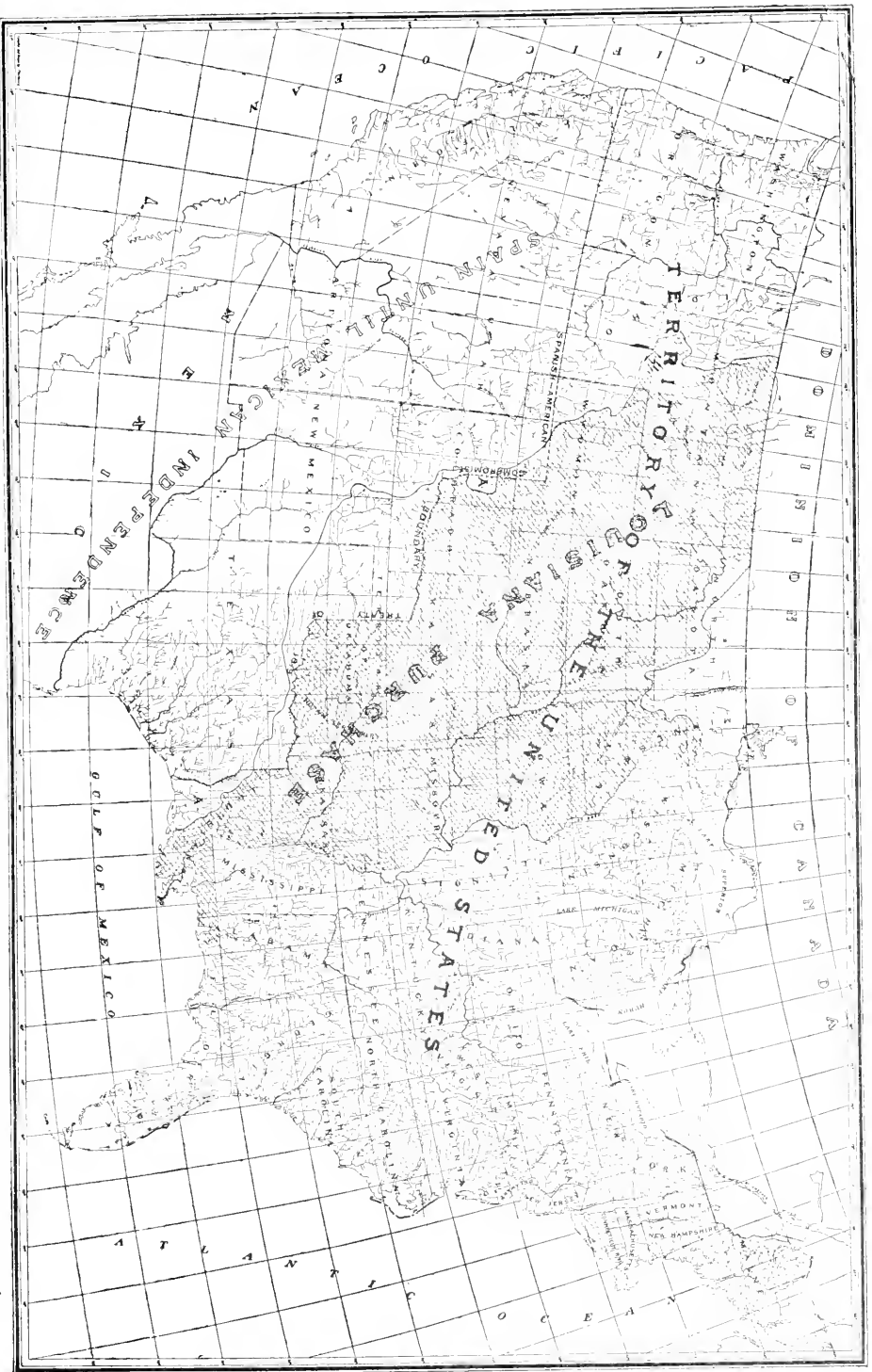
MAP No. 4. 1803-1819, "Louisiana Purchase" territory ceded to United States by France by treaty of April 30, 1803.



MAP No. 5.

This map shows the extent of the "Louisiana Purchase" after its boundaries of 1803 had been modified through the treaty with Spain ceding Florida to the United States and fixing the boundary between the United States and Spanish possessions west of the Mississippi river, in 1819. It is of interest because the American gains and losses by that treaty are shown, and because Spain was satisfied to fix her most northern boundary west of the Rocky mountains at the parallel of 42° north. This western United States-Spanish boundary, as finally settled, was later accepted as the boundary between the Republic of Mexico and the United States, and still later in part as the northern boundary of the Republic of Texas. It will be noted that two small tracts, marked "A," not forming a part of La Salle's Louisiana, became a part of the United States, and that a much larger area shown upon the map, which is a part of the Mississippi watershed and was therefore a part of La Salle's Louisiana, was surrendered to Spain, in exchange.

MAP No. 5. 1819— "Louisiana Purchase" territory as modified by establishment of the compromise boundary between the United States and Spain, by treaty of February 22, 1819.



SUMMARY.

1. French title to the territory called "Louisiana" in the Mississippi valley, had its origin and was based upon the discovery and proclamation of La Salle, April 9, 1682. The title "Louisiana," as proclaimed by La Salle, may not properly be applied to other and doubtful French possessions in America; and since French ownership of territory beyond the watershed line at the time of the purchase is a matter of grave doubt and cannot be established, La Salle's "Louisiana" may not properly include such alleged possessions. The Spanish territory directly drained into the Gulf of Mexico west of the Mississippi river, or into the Gulf of California, or the Spanish and Oregon territory drained into the Pacific ocean, or the territory drained into Hudson bay, never belonged to France by virtue of La Salle's discovery and proclamation of 1682, when the limits of Louisiana were defined, and title to these districts was neither offered nor transferred by France to the United States in the sale of 1803.

2. French title to Gulf territory from the Mississippi river to Palm river, on the Gulf coast of Florida, as a part of original Louisiana, was as good as French title to the Mississippi valley, for both districts came under the French flag at the same time and for the same reason, viz., the discoveries of La Salle and his proclamation based thereon, at the mouth of the Mississippi river, April 9, 1682. It therefore follows that subsequent cessions of "the whole territory known under the name of Louisiana," or of "the colony or province of Louisiana, with the same extent * * * that it had when France possessed it," conveyed title to this territory, just as surely as they conveyed title to territory drained by the Mississippi river and its tributaries, and the title thus conveyed was just as good.

3. The government of the United States acted strictly within its treaty rights when, following the purchase of Louisiana from France in 1803, it occupied the territory between the Mississippi and Perdido rivers; took a census of the people, levied and collected taxes, and finally, prior to the purchase of Florida in 1819, divided the tract into three separate parcels, and added one each to the States of Louisiana, Mississippi and Alabama. Map No. 4, therefore, properly exhibits the outboundaries of the Louisiana purchased from France in 1803 and asserted by the United States thereafter, and Map No. 5 shows the modifications of that boundary west of the Mississippi river, agreed to in the treaty with Spain in 1819.

NOTE: A discussion of the accession of the Oregon territory, of the territory received by the annexation of Texas, of the territory ceded in the settlement of the Mexican war, or that embraced in the Gadsden purchase, is not pertinent here, since the boundaries of the Louisiana Purchase were in no manner changed, the agreement between Spain and the United States in 1819 being accepted in all subsequent transfers of the regions adjacent.

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